

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

MALLORY C. JONES and
TROY A. MOSES,

Plaintiffs,

v.

CV 117-003

RAMONE LAMKIN, Individually, and In
His Official Capacity as Marshal of the
Civil and Magistrate Courts of
Richmond County, Georgia, and
AUGUSTA-RICHMOND COUNTY,
GEORGIA,

Defendants.

ORDER

On April 12, 2017, the parties filed a Rule 26(f) Report in which they request a stay of discovery, (doc. no. 15, p. 1), until Defendant Augusta-Richmond County, Georgia's motion to dismiss, (doc. no. 7), is resolved by the presiding District Judge. For the reasons set forth below, the Court **GRANTS** the request for a stay.

The "[C]ourt has broad inherent power to stay discovery until preliminary issues can be settled which may be dispositive of some important aspect of the case." Feldman v. Flood, 176 F.R.D. 651, 652 (M.D. Fla. 1997). Before deciding to stay discovery, the Court should:

balance the harm produced by a delay in discovery against the possibility that the motion will be granted and entirely eliminate the need for such discovery. This involves weighing the likely costs and burdens of proceeding with discovery. It may be helpful to take a preliminary peek at the merits of the

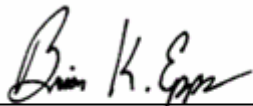
allegedly dispositive motion to see if on its face there appears to be an immediate and clear possibility that it will be granted.

Id. (internal citation and quotation omitted).

Based on a preliminary peek at the defense motion, the Court finds an immediate and clear possibility of a ruling “which may be dispositive of some important aspect of the case,” in particular, who is the proper Defendant. Id. When balancing the costs and burdens to the parties, the Court concludes discovery should be stayed pending resolution of the motion to dismiss. See Chudasama v. Mazda Motor Corp., 123 F.3d 1353, 1367 (11th Cir. 1997); Moore v. Potter, 141 F. App’x 803, 807-08 (11th Cir. 2005).

Thus, the Court **STAYS** all discovery in this action pending resolution of Defendant Augusta-Richmond County, Georgia’s motion to dismiss by the presiding District Judge. The remaining parties shall confer and submit a second joint Rule 26(f) Report within fourteen days of the District Judge’s ruling on the motion to dismiss.

SO ORDERED this 17th day of April, 2017, at Augusta, Georgia.



BRIAN K. EPPS
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA